REMARKS/ARGUMENTS

Examiner Interview

The Applicant thanks Examiners Epps and Wujciak for the courtesies extended to the Applicant and the undersigned during the telephone interview of April 11, 2006. During the interview, we generally discussed independent claim 1 and U.S. patent no. 4,465,277 to Dittrich. In addition, we discussed the disadvantages of the conventional two-piece shock absorber arrangement of Dittrich that relies upon a dampener acting in concert with a spring. We also discussed reasons why modifying the two-piece shock absorber system of Dittrich to replace one its two shock absorber components (i.e., either its dampener or its spring) with a compression gas spring, which provides the functionality of both components, would destroy the intended functionality of Dittrich and, thus, would not have been an obvious modification.

Further, we discussed the advantages of the invention of claim 1, which includes a compression gas spring for absorbing and dampening substantially downward shocks to the neck by permitting movement of the neck from an original position and returning the neck to the original position, rather than a conventional two-component apparatus having a spring and a dampener. Applicant agreed to formally submit these arguments and additional arguments to the examiner for further consideration.

Supplemental response with respect to claims 1, 5-15, 18-19 and 21-22

Claims 1, 5-15, 18, 19 and 21-22 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. patent no. 4,465,277 to Dittrich (Dittrich). Claims 7, 8 and 9 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dittrich. Claims 11, 13 and 14 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Dittrich in view of U.S. patent no. 5,098,093 to Dupre (Dupre). Applicant respectfully requests reconsideration and allowance of these claims.

The Office Action mailed December 6, 2005 asserts on page 2 that Dittrich teaches "a shock-absorbing mechanism (56) for absorbing substantially downward shocks to the neck by permitting movement of the neck (34, and35) from an original position and returning the neck (24) to the original position, the shock-absorbing mechanism providing the sole upward force at the distal end of the neck for maintaining the neck in the original position (fig. 5-7)." Emphasis

added. Applicant disagrees with this interpretation of Dittrich. In addition, Applicant notes that claim 1 currently recites the subject matter of a compression gas spring, rather than a shock-absorbing mechanism, for absorbing and dampening substantially downward shocks to the neck and providing the sole upward force at the distal end of the neck for maintaining the neck in the original position.

Shock mechanism (56) of Dittrich is a simple shock absorber that provides damping during slam dunk play and provides no force whatsoever to return the neck to the original position. Dittrich specifically states, "Elevational displacement of the hoop is damped by a shock absorber 56." Col. 5, lines 9-11. Dittrich teaches that it is the coil spring (55) that provides the force to return the neck to the original position. See e.g., Abstract, col. 2, lines 5-9, and col. 5, lines 3-22. The Office Action makes no mention of spring (55) as the biasing member that returns the neck to its original position, yet this is what Dittrich clearly states throughout its teachings.

Spring/resilient member (55) and shock absorber (56) in Dittrich together provide the ability to dampen shocks and to return the hoop to the horizontal position. The Dittrich system is a conventional, two-part shock absorbing system similar to those commonly used on automobiles. Notably, a car whose shock absorbers are shot will repeatedly bounce up and down after it hits a bump due to the lack of sufficient dampening from the initial shock or from the spring's response. The Dittrich system works on the same principal. If used alone, coil spring (55) may be able to provide the force to return the neck to the original position. However, after releasing the goal during a slam dunk, the neck and backboard would bounce up and down for a lengthy period of time until all the energy was absorbed by the spring. Further, if used alone, the shock absorber (56) would dampen the system during a slam dunk, but would leave it hanging at whatever height the player released it at.

During the interview, Examiner Epps proposed modifying Dittrich to replace either dampener (56) or coil spring (55) with a compression gas spring that would both dampen shocks and provide an upward bias. Applicants respectfully submit that doing so would destroy the intended functionality of Dittrich, as the compression gas spring would not provide the unbiased damping of the Dittrich shock absorber (56) nor would it provide the undamped bias of the Dittrich coil spring (55). If Dittrich were modified as suggested by the Examiner to replace either coil spring (55) or shock absorber (56) with a gas shock or a compression gas spring that

provided both damping and biasing forces, then the Dittrich system would be overly-damped or overly-biased by the dual purpose component in addition to the second component. Moreover, such a modification would obviate the need for the second component in the Dittrich system. Thus, the proposed modification would not have been obvious and there is no motivation to modify Dittrich in such a manner.

Rather than using a conventional two-piece shock absorbing mechanism, the invention of independent claims 1 and 15 include the subject matter of a single compression gas spring or gas shock, which has the ability to dampen substantially downward shocks to the neck, return the neck to the original position, and provide the sole upward force at the distal end of the neck for maintaining it in the original position. This inventive subject matter is not taught or suggested by Dittrich nor would it have been obvious to modify Dittrich as proposed by the Examiner to replace one of its components with a gas shock or a compression gas spring.

For these additional reasons, Applicant respectfully submits that independent claims 1 and 15, and claims 5-14, 18, 19 and 21-22 depending therefrom, are allowable over the prior art of record.

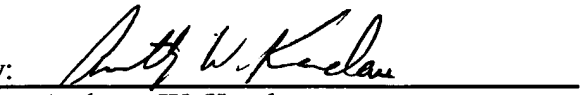
Conclusion

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: April 20, 2006

By: 

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